

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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GERARDO CARBAJAL and
JERRY CARBAJAL,

Plaintiffs,

v.

Cause No. CIV 99-1054 M/DJS

COUNTY OF BERNALILLO,
BERNALILLO COUNTY SHERIFF'S OFFICE,
JOE BOWDICH, individually and in his capacity
as Sheriff of Bernalillo County, STEVEN BACA,
individually and in his capacity as a Deputy of the
Bernalillo County Sheriff's Department, and
MATTHEW GONZALES, individually and in his capacity
as a Deputy of the Bernalillo County Sheriff's Department,

Defendants.

FINDINGS AND RECOMMENDATION

THIS MATTER comes before the Court *sua sponte* on an order to show cause why sanctions should not be imposed upon Drew Alan Neal, Esq., counsel for the plaintiffs in this matter, as a result of his appearance at a court-ordered mandatory settlement conference on June 15, 2000. Mr. Neal requested an immediate hearing on this order to show cause and appeared through counsel, Timothy M. Padilla, Esq.

FINDINGS:

I find that Drew Alan Neal, Esq., has appeared in cases representing plaintiffs in this Court and, by his own admission, is not admitted to practice before this Court. Mr. Neal was advised by counsel to file his application for federal bar admission, failed to do so, and failed to advise his

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clients of his lack of admission, to their damage.


I find Mr. Neal's excuse of being too busy to attend to his bar admission unacceptable. I find, by his own admission, that he is not familiar with federal practice or procedure.

RECOMMENDATION:

The Court, having taken testimony in a full hearing on this matter, recommends the following:

In accordance with Drew Alan Neal's voluntary statement, he will notify all clients in the cases now pending in this federal court wherein he has entered an appearance of his voluntary withdrawal. This shall be done within a period of one week.

I recommend that Drew Alan Neal, Esq., appear before the District Judge assigned to this case, Senior District Judge Edwin L. Mechem, as directed, to show cause why he should not be held in contempt of this Court for appearing in this Court knowing that he has never been admitted to practice in federal court as required, nor has he filed an application for admission to practice in this Court, and that sanctions be imposed as may be found just and meet under the circumstances.


ROBERT J. DeGIACOMO
United States Magistrate Judge